

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHICAGO TEACHERS' UNION,
LOCAL 1, et al.,)
Plaintiffs,) Case Nos. 12-cv-10311, 15-cv-8149
v.) Judge Sara L. Ellis
BOARD OF EDUCATION OF THE) Magistrate Judge Young Kim
CITY OF CHICAGO, a body politic)
and corporate,)
Defendant.)

**ORDER GRANTING FINAL APPROVAL OF THE
SETTLEMENT AGREEMENT AND SETTING DATES
REQUIRED BY THE SETTLEMENT AGREEMENT**

The Court has reviewed the Plaintiffs' Motion for Final Approval of a Settlement Agreement (the "Motion," Dkt. No. 362), the Settlement Agreement (Dkt. No. 362-1), Class Counsel's Unopposed Petition for Attorneys' Fees and Costs (Dkt. No. 363), and Plaintiffs' Motion to File the Preliminary Distribution Formula under seal (Dkt. No. 366). After full and careful consideration, the Court finds for the reasons stated in the Motion and the Court's Preliminary Approval Order (Dkt. No. 358) that the Settlement Agreement is a fair and reasonable settlement of the Parties' legal claims.

NOW THEREFORE, IT IS ORDERED THAT:

1. The Court finds that the Settlement Class as defined in the Settlement Agreement continue to satisfy the requirements of Fed. R. Civ. P. 23(a) and (b)(3)

for the reasons set forth in the Preliminary Approval Order. Accordingly, the Court finally certifies the Settlement Class for purposes of settlement of this action.

2. The Notice of Class Certification and Settlement and the Notice of Settlement (“Class Notice”) sent to the members of the Certified Class and Settlement Class (collectively, “Class Members”) by the Claims Administrator by First Class U.S. Mail adequately informed Class Members of the terms of the Settlement Agreement, the process available for them to obtain monetary relief, their right to request an exclusion from the settlement, and their opportunity to file written objections and appear and be heard at the final approval hearing. The Class Notice also adequately informed the Class Members of how to contact Class Counsel or the Claims Administrator to request additional information. The Court finds that the Notice satisfies the requirements of Rule 23(c)(2)(B) and Rule 23(e)(1).

3. The Court finds that no Class Member requested exclusion from the Settlement Class and no Class Member objected to the Settlement Agreement.

4. Analytics Consulting LLC located in Chanhassen, Minnesota, has administered the settlement, with the assistance of Class Counsel. The Court approves the plan of allocation of the Settlement Fund recommended by Class Counsel. The Court finds that the Claim process and the preliminary scoring method presented by Class Counsel are warranted based on the claims and evidence in this suit and treat class members equitably relative to one another based on the answers they attested to in their Claim Form responses.

5. The Court grants the Motion for Final Approval and approves the terms of the Settlement Agreement as fair, reasonable, and adequate to all Class Members. The Court finds that the strength of Plaintiffs' case on the merits, weighed against Defendant's defenses and the complexity, length, and expense of further litigation, support approval of the Settlement. The Settlement Amount of \$9,250,000.00 as set forth in the Settlement Agreement, is a fair, reasonable, and adequate settlement of the claims. The Settlement was reached pursuant to arm's-length negotiations between the Parties and has the support of Class Counsel and Counsel for Defendants. Class Counsel have significant experience representing parties in complex class actions, including those involving employment discrimination claims. No objections to the Settlement were made by the Class Members, and this fact likewise supports approval. Finally, the litigation has progressed to a stage where the Parties could evaluate the merits of the case, potential damages, and the probable course of future litigation, and thus warrants approval of the Settlement.

6. The Court approves service payments of \$25,000 for each of the three individual Named Plaintiffs (Robert Green, Donald Garrett, and Vivonell Brown), who assisted the suit by providing sworn testimony and meeting with class counsel extensively to help get these suits filed and litigated. The Court finds that these Plaintiffs made important contributions to the litigation and their efforts helped produce the settlement for the Class as a whole.

7. Class Counsel are awarded attorneys' fees and costs in the amount of Four Million Dollars (\$4,000,000). All attorneys' fees and costs of the litigation, from its inception through all work necessary to implement the Settlement and this Order will be covered by this amount.

8. The Board shall cause the costs of the Claims Administration to be paid in addition to the Settlement Fund.

9. Claim Forms and executed Releases of Claims must be received by the Settlement Administrator on or before September 9, 2022. To be valid, a Claim Form must: (i) be completed in a manner that permits the Claims Administrator or Class Counsel to determine the eligibility of the person submitting the Claim Form to participate in the Settlement; and (ii) be signed with an affirmation that the information is true and correct. Any Class Member who does not submit a valid and timely Claim Form and Release of Claims shall be forever barred from receiving any payments from the Settlement, but shall in all other respects be subject to and bound by the provisions of the Settlement Agreement.

10. Within twenty-one days of the Effective Date (October 17, 2022 if no appeals of this order are filed) Defendant shall pay or cause to be paid via check(s) delivered to Class Counsel or wire transfer to WinTrust Bank the Gross Settlement Fund of \$9,250,000.00 for deposit into the account established by Class Counsel in the name of the Class Settlement Trust Fund. The Parties and the Settlement Administrator shall abide by all terms of the Settlement Agreement regarding distribution of the Gross Settlement Fund.

11. Class Counsel shall evaluate and score all of the valid Claim Forms pursuant to the preliminary Distribution Formula, or similar Distribution Formula on or before October 11, 2022. Class Counsel shall file the final proposed Individual Monetary Awards under seal with the names of the Class Members' redacted, along with the final Distribution Formula used to calculate said Awards on or before October 17, 2022. The Court will enter an order approving the Individual Monetary Awards or hold a hearing to address any concerns on October 25, 2022.

12. Within fourteen (14) days of the Court's order approving the Individual Monetary Awards, Class Counsel shall provide the unredacted list of approved Individual Monetary Awards to the Settlement Administrator.

13. Within thirty (30) days of receiving the approved list of Individual Monetary Awards, the Settlement Administrator shall distribute the Awards via check to each Eligible Class Member at the mailing address provided on the Claim Forms (or as updated through the Claims Administrator).

14. Pursuant to the Settlement Agreement, the Parties are ordered to comply with this Final Approval Order and the terms of the Settlement Agreement (Dkt. No. 362-1). The terms of the Settlement Agreement are incorporated by reference into this order and are part of this order.

15. The above-referenced cases are dismissed with prejudice with leave to reinstate in the event of non-compliance. The Court retains the power to ensure compliance with this Order and the Settlement Agreement.

16. The Court may, for good cause, extend any of the deadlines set forth in this Order without further notice to Class Members.

17. Plaintiffs' Motion to File the Preliminary Distribution Formula under seal (Dkt. No. 364) is granted.

ENTERED this 6 DAY OF September,
2022



United States District Court Judge Sara L. Ellis